

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 21-1015 (JLH)
)	
SAREPTA THERAPEUTICS, INC.,)	
)	
Defendant.)	
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SAREPTA THERAPEUTICS, INC. and THE)	
UNIVERSITY OF WESTERN AUSTRALIA,)	
)	
Defendant/Counter-Plaintiffs,)	
)	
v.)	
)	
NIPPON SHINYAKU CO., LTD.)	
and NS PHARMA, INC.)	
)	
Plaintiff/Counter-Defendants.)	

**SAREPTA THERAPEUTICS, INC. AND THE UNIVERSITY OF WESTERN
AUSTRALIA’S MOTION (#4) TO EXCLUDE DR. MICHELLE L.
HASTINGS’S OPINIONS AND TESTIMONY APPLYING
INCORRECT WRITTEN DESCRIPTION LAW**

Pursuant to Federal Rule of Evidence 702, Sarepta Therapeutics, Inc. (“Sarepta”) and the University of Western Australia (“UWA”) respectfully move for the Court to exclude Dr. Michelle L. Hastings’s opinions and testimony that apply the incorrect standard for written description, including those contained in Paragraphs 74-81, 109, 110, 128-132, and 134-153 of her Supplemental Expert Report and Paragraphs 33-35, 37, 65-67, 75, 81, and 86 of her Supplemental Reply Expert Report, served on July 3, 2024 and September 4, 2024, respectively. The grounds for this Motion are set forth in the Opening Brief in support thereof, filed concurrently.

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/s/ Megan E. Dellinger

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October 2, 2024

RULE 7.1.1 CERTIFICATE

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the plaintiff/counter-defendants and that we have not been able to reach agreement.

/s/ Megan E. Dellinger

Megan E. Dellinger (#5739)

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)	
Plaintiff/Counter-Defendants.)	

**[PROPOSED] ORDER GRANTING SAREPTA THERAPEUTICS, INC. AND THE
UNIVERSITY OF WESTERN AUSTRALIA’S MOTION (#4) TO EXCLUDE DR.
MICHELLE L. HASTINGS’S OPINIONS AND TESTIMONY APPLYING
INCORRECT WRITTEN DESCRIPTION LAW**

Having considered Sarepta Therapeutics, Inc. (“Sarepta”) and the University of Western Australia’s (“UWA”) motion to exclude Dr. Michelle L. Hastings’s opinions and testimony that apply the incorrect standard for written description, and all related papers filed in connection therewith,

IT IS HEREBY ORDERED that Sarepta and UWA’s Motion is **GRANTED**: the opinions and testimony of Nippon Shinyaku Co., Ltd. and NS Pharma, Inc.’s expert Dr. Michelle L. Hastings that apply the incorrect standard for written description, including those contained in Paragraphs 74-81, 109, 110, 128-132, and 134-153 of her Supplemental Expert Report and

Paragraphs 33-35, 37, 65-67, 75, 81, and 86 of her Supplemental Reply Expert Report, served on July 3, 2024 and September 4, 2024, respectively, are hereby excluded.

IT IS SO ORDERED, this _____ day of _____, 2024.

The Honorable Jennifer L. Hall
U.S. District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on October 2, 2024, upon the following in the manner indicated:

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